



BAY-210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAYCHAR

Serial No. 08/887,847

Group Art Unit: 1771

Filed: July 3, 1997

Examiner: A. Singh

For: WATERPROOF/BREATHABLE MOISTURE TRANSFER LINER INCLUDING A
THREE PART COMPOSITE CAPABLE OF WICKING MOISTURE AWAY
FROM AN INDIVIDUAL'S BODY AND CAPABLE OF REGULATING
TEMPERATURE (As Amended)

**REQUEST FOR CONSIDERATION OF
PREVIOUSLY FILED RESPONSE THAT IS
APPARENTLY LOST BY THE PATENT OFFICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 15, 2003, the undersigned law firm received a communication from the Patent Office that Applicant's previously filed response on July 3, 2003 was incomplete. Accordingly, Applicant filed a response on September 17, 2003.

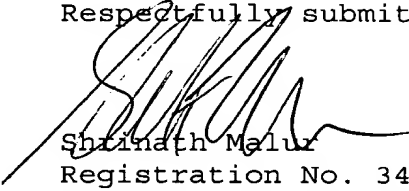
Thereafter, on September 26, 2003, the undersigned law firm received a copy of the previously received communication mailed September 25, 2003. However, Applicant had already responded to this communication on September 17, 2003. Therefore, no further action was necessary.

A review of the PAIR system of the Patent Office indicates that Applicant's response filed on September 17, 2003 apparently was lost by the Patent Office since no record can be found. Therefore, copies of all of the documents submitted on September 17, 2003 are being submitted once again along with the mailroom date-stamped receipt indicating that they were received by the Patent Office on that date. In addition, copies of the communications from the Patent Office received on September 15, 2003 and September 26, 2003 are also enclosed.

Applicant requests that these documents be entered and forwarded to the Examiner for examination.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1417 for any fees that are deemed necessary.

Respectfully submitted,



Shrinath Malur
Registration No. 34,663
Attorney for Applicant

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: November 12, 2003



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BAYCHAR

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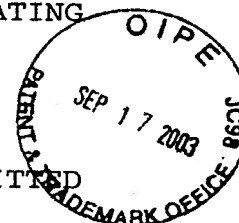
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Papers Filed Herewith:

REQUEST FOR RECONSIDERATION OF PREVIOUSLY SUBMITTED
SUBSTITUTE SPECIFICATION; and
Substitute Specification.



Receipt is hereby acknowledged of the papers filed, as
identified in connection with the above-identified patent
application.

COMMISSIONER OF PATENTS AND TRADEMARKS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/887,847	07/03/1997	? BAYCHAR	BAY-210	1504

24956 7590 09/10/2003

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

SINGH, ARTI R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 09/10/2003

due 10/10/03 A

Please find below and/or attached an Office communication concerning this application or proceeding.

SEP 10 2003



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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09062003

DATE MAILED:

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Commissioner for Patents

The rejection made for the uses of Trademarks/Tradenames have been noted throughout this application and has not been addressed correctly. The specific name/mark should be in ALL CAPS, followed by either a trademark or copyright symbol and be accompanied by the generic terminology-ALL three criteria must be met. Thus the last response is incomplete. The Terminal Disclaimer has been entered.

Ms. Arti Singh
Patent Examiner
Art Unit: 1771



NOV 12 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/887,847	07/03/1997	? BAYCHAR	BAY-210	1504

24956 7590 09/25/2003
MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

SINGH, ARTI R

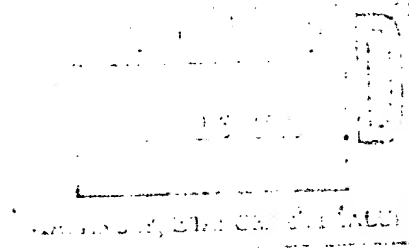
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NOV 12 2003
U.S. PATENT & TRADEMARK OFFICE



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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>AS</i>
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

The rejection made for the uses of Trademarks/Tradenames have been noted throughout this application and has not been addressed correctly. The specific name/mark should be in ALL CAPS, followed by either a trademark or copyright symbol and be accompanied by the generic terminology-ALL three criteria must be met. Thus the last response is incomplete. The Terminal Disclaimer has been entered.

Arti Singh
Patent Examiner
Art Unit 1771



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TEMPERATURE (As Amended)

REQUEST FOR RECONSIDERATION OF
PREVIOUSLY SUBMITTED SUBSTITUTE SPECIFICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a communication mailed from the Patent Office on September 10, 2003, the Examiner alleges that the use of Trademarks/Tradenames has not been addressed correctly. As a result, the Examiner maintains that the last response is incomplete. Applicant respectfully disagrees.

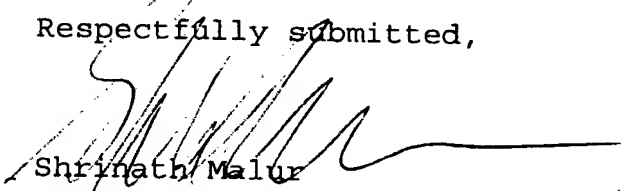
The Examiner requires three criteria to be met, namely that the mark should be in ALL CAPS, followed by either a trademark or copyright symbol and be accompanied by the generic terminology. In particular, the Examiner requires that all three of these criteria must be met.

However, the MPEP §608.01(b) clearly requires that trademarks should be "identified by capitalizing each letter of the mark (in the case of word or letter marks) or otherwise indicating the description of the mark".

Nonetheless, since the Examiner specifically cited LYCRA in an Office Action mailed February 12, 2003, a replacement substitute specification is being provided to identify LYCRA as a registered trademark. Applicant submits that this amendment is not required for this trademark or any of the remaining trademarks used in the application.

The Commissioner is hereby authorized to charge Deposit Account 50-1417 for any fees that are deemed necessary.

Respectfully submitted,


Shrinath Malur
Registration No. 34,663
Attorney for Applicant

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: September 17, 2003